

REMARKS

Claims Rejections - 35 U.S.C. §101

Claims 1-19 were rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Specifically, the Examiner stated that the claimed invention is merely an abstract idea that is not within the “technological arts.” This issue was recently taken up by the Board of Patent Appeals and Interferences. The Examiner’s attention is directed to the decision of the Board of Patent Appeals and Interferences in the case of Ex Parte Lundgren (BPAI, No. 2003-2088, Decided 9/28/05) which ruled that “there is currently no judicially recognized separate ‘technological arts’ test to determine patent eligible subject matter under §101.” Accordingly, the rejection under 35 U.S.C. §101 should be withdrawn.

Conclusion

In view of the above remarks it is submitted that the Examiner’s objections and rejections have been overcome and should be removed and the present application should now be in condition for allowance.


Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

Appl. No. 09/882,992
Supp. Resp. dated October 27, 2005
Reply to Office Action of June 13, 2005

In the event that any extensions and/or fees are required for the entry of this Response, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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